

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

JACOB HORWITZ and JAMKOR, INC.,)	
)	
Plaintiffs,)	
)	
v.)	
)	Case No.: 4:18-CV-00629
SKINNY IT CORPORATION,)	
INSTALLATION AND SERVICE)	
TECHNOLOGIES, INC. and SAM M.)	
DARWISH,)	
)	
Defendants.)	
)	

**PLAINTIFFS' MOTION TO REOPEN CASE,
WITH SUPPORTING MEMORANDUM OF LAW**

Plaintiffs Jacob Horwitz and JAMKOR, Inc. (collectively, "Plaintiffs"), by and through their undersigned counsel, respectfully move the Court to reopen this case for a limited period of time to enable the parties to complete settlement negotiations. As grounds for this motion, Plaintiffs state as follows:

1. This action arises from the purchase of defendant Installation and Service Technologies, Inc. ("IST") from Plaintiffs by defendants Skinny IT Corporation ("Skinny IT") and Sam M. Darwish ("Darwish") (collectively with IST, "Defendants").
2. This action was stayed for most of 2019 as a result of the corporate bankruptcy of Skinny IT.
3. After the Skinny IT bankruptcy terminated and the automatic stay was lifted, counsel for Plaintiffs reached out to the personal counsel for Darwish, at the Court's suggestion, to see if this action could be settled. The parties reached an agreement in principle regarding settlement. Counsel for Plaintiffs informed the Court of this agreement, after which the Court

dismissed this case with prejudice, on its own motion on December 18, 2019, with an instruction that either party could move to reopen the case within 45 days if settlement was not perfected. *See* Doc. 46.

4. The parties have been engaged in settlement negotiations, and Plaintiffs believe they are close to a resolution. Due to the complex web of connections among the parties, there have been a number of non-standard issues requiring resolution, including the question of responsibility for IST 401(k) fund. As such, despite diligent efforts on both sides, the parties have not yet perfected the settlement agreement.

5. The forty-five day period proscribed by the Court's December 18, 2019 order has not yet run.

6. Plaintiffs respectfully submit that good cause exists to reopen this action for a limited period and for the limited purpose of enabling the parties to complete their settlement negotiations and perfect the settlement.

WHEREFORE, Plaintiffs respectfully pray for an order reopening this case, as proposed in the Court's Order of December 18, 2019 (Doc. 46) for the purpose of enabling the parties to complete settlement negotiations.

Respectfully submitted,

/s/Angus W. Dwyer

Angus W. Dwyer Mo. Bar No. 66443

SPENCER FANE LLP

1000 Walnut Street, Suite 1400

Kansas City, Missouri 64106

Telephone: 816-474-8100

Facsimile: 816-474-3216

adwyer@spencerfane.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned certifies that on this 31st day of January, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which sent notification of such filing to all counsel of record, and that a copy of the foregoing, was sent via electronic mail to the following:

Noah Nadler
Wick Phillips
3131 McKinney Ave #100
Dallas, TX 75204
noah.nadler@wickphillips.com
Counsel for Sam M. Darwish

/s/ Angus W. Dwyer

Attorney for Plaintiffs